

7/8/69

SUBJ: MEDICAL CERTIFICATION - DENIAL PROCEDURES

1. PURPOSE. This order prescribes procedures for the use of appropriate letters of denial in medical certificate disqualifications.
2. CANCELLATION. Order **8500.1A**, Airman **Medical** Certification - Denial Procedures, dated January **10, 1967**, is cancelled.
3. REFERENCES.
 - a. Sections 602 and 609 of the Federal Aviation Act of 1958.
 - b.* Part **67** of **the** Federal Aviation Regulations.
4. BACKGROUND. Aviation medical examiners are appointed by the Administrator as representatives of the agency. In this **role**, the designated aviation medical examiner has delegated authority to issue, renew, or deny medical certificates to applicants for such **certificates**, based upon whether or not **the** applicants meet the applicable medical standards. This **authority** has also been delegated, in Section **67.25(a)**, to representatives of **the** Federal Air Surgeon within the agency. Likewise, authority under Section **314(b)** of the Act to reconsider actions of aviation medical examiners is delegated to the Chief, **Aeronautical** Certification Branch, Civil **Aeronautical** Institute, and each Regional Flight Surgeon, in Section **67.25(b)**.
5. DENIALS BY AVIATION MEDICAL EXAMINERS. ~~FAA~~ Form **8500-2** shall be used only by **the** aviation medical examiner when an applicant for a medical certificate does not meet the applicable medical standards. **This is not** a final FAA action and is subject to reconsideration by the Federal Air Surgeon or his designated representative (Section **67.25(b)**). **The** form advises the applicant of his appeal rights. In the case when further evaluation or consideration is indicated, the examiner ~~may~~ defer certification or denial and forward the application to the ~~FAA~~.
6. DENIALS BY REPRESENTATIVES OF THE FEDERAL AIR SURGEON.
 - a. Representatives of **the** Federal Air Surgeon. When a Regional Flight Surgeon or the Chief, **Aeronautical** Certification Branch, denies, he shall use FAA Form **8500-3** or FAA Form **8500-4**, as explained below. This applies when the applicant is seeking reconsideration of a

denial issued by an aviation medical examiner, an examiner defers, or the examiner should not have issued the medical certificate, requiring reversal of the issuance action and a recall of the medical certificate. Additional information (reports, records, evaluations) may be required to determine the necessity for denial.

- b. Actions Following Aviation Medical Examiner Denials. An applicant denied a medical certificate by an examiner is advised by FAA Form ~~8500-2~~ that he has 30 days to apply for reconsideration.
 - (1) Failure to apply for reconsideration within that period ~~is~~ considered to be a withdrawal of the application for certification (Section ~~67.27(a)~~).
 - (2) Requests for reconsideration are received and processed by a representative of the Federal ~~Air Surgeon~~. If the application and any ancillary documentation ~~establish~~ the applicant's eligibility for certification, a certificate is issued with any appropriate limitations or Statement of ~~Unimpaired~~ Ability. If the applicant is considered ineligible, the application, along with previous medical records, appeal, and any ancillary documentation shall be forwarded to the Federal Air Surgeon for further consideration, or a mandatory denial shall be issued as explained below.
- c. Actions Following Aviation Medical Examiner Deferrals. ~~When~~ applications are forwarded to the Regional Flight Surgeon or the Chief, ~~Aeronautical~~ Certification Branch, ~~acting~~ a need for further evaluation or consideration, he shall obtain any necessary additional information and process the application to determine the applicant's eligibility for medical certification. Eligible applicants shall ~~be issued~~ appropriate documents. Ineligible applicants shall be denied on FAA Form ~~8500-3~~ or ~~8500-4~~, as explained below.
- d. Actions Following Aviation Medical Examiner Issuances. ~~Under~~ Section ~~314(b)~~ of the Federal Aviation Act of 1958, the Administrator has the authority to review issuances of medical certificates by aviation medical examiners. This review should be expedient and in accordance with FAR ~~67.25(b)~~. If the authorized representative of the Federal Air Surgeon finds that the applicant is not eligible to hold a medical certificate, he shall issue a denial on FAA Form ~~8500-3~~ or ~~8500-4~~, as explained below.
- e. Mandatory Denials. FAA Form ~~8500-4~~ shall be used for denial of the applicant having a condition mentioned in Section ~~67.27(b)~~ (3). This becomes a final agency denial action and there is no further reconsideration by the Federal Air Surgeon. A recently dated and signed Release of Information, FAA Form 2759, shall be obtained before

issuance of such a denial. FAA Form 8500-L.1 is issued with the denial, advising the applicant of his right to petition the Administrator for an exemption as provided under Part II of the Federal Aviation Regulations, or to petition the National Transportation Safety Board for review pursuant to Section 602 of the Federal Aviation Act.

f. Other Denials.

- (1) FAA Form 3500-3 shall be used by representatives of the Federal Air Surgeon in denying applicants for disqualifying conditions other than those specified in Section 67.27 (3) (3). This is not a final FAA denial action, and it is subject to reconsideration by the Federal Air Surgeon if the applicant requests it in accordance with the procedure explained on FAA Form 8500-3.
- (2) Additional information may be requested in connection with such reconsideration. When the information is received, it and the previous medical records, application, appeal and any ancillary documentation are forwarded to the Federal Air Surgeon in accordance with the memorandum entitled Medical Review Board Policy and Suggested Guidelines, dated October 3, 1962. However, if a condition specified in Section 67.27(b) (3) is disclosed, a mandatory denial (FAA Form 8500-4) shall be issued as explained under paragraph 6.e.

7. RECALL OF MEDICAL CERTIFICATES.

- a. Time Frame. Under Section 602 procedures, action to recall a medical certificate by using FAA Form 8500-3 or 8500-4 must be initiated within 60 days of the certificate issuance date, or, if within 50 days after the date of issuance additional information is requested, the issuance may be reversed within 60 days of the receipt of all such information (Section 67.25(b)). Reversals of issuance under conditions other than under Section 67.25(b) are to be made under procedures of Section 609 of the Federal Aviation Act.
- b. Failure to Provide. Section 67.31 of the Federal Aviation Regulations applies to applicants who refuse to provide the requested medical information or history or to authorize the release so requested.
- c. Documentation of Certificate Receipt. When FAA Form 8500-3 or 8500-4 is used to recall a medical certificate, a request shall be added at the bottom of the form or in a covering letter asking the applicant to return the medical certificate. Receipt of the certificate shall be entered in the applicant's agency medical records. The asserted loss or destruction of the certificate may be entered, if applicable.

8. FORMS DISTRIBUTION.

- a. FAA Form 8500-2 shall be completed by the aviation medical examiner in triplicate and distributed as follows:
- (1) Original to applicant.
 - (2) Copy to Chief, Aeromedical Certification Branch, AC-1130, Federal Aviation Administration, P. O. Box 25082, Oklahoma City, Oklahoma 73125, along with the FAA copy of the application for medical certification (FAA Form 8500-8).
 - (3) Copy retained by aviation medical examiner for his records.
- b. FAA Forms 8500-3 and 8500-4. The Regional Flight Surgeon or Chief, Aeromedical Certification Branch, shall complete four copies of FAA Form 8500-3 or five copies of 8500-4 with the following distribution:
- (1) Original to applicant.
 - (2) Copy for aviation medical examiner.
 - (3) Copy for issuing office.
 - (4) Copy attached to medical file.
 - (5) Copy of 8500-4 for the Chief, Aeromedical Standards Division, Attention: AM-230.

If the Chief, Aeromedical Certification Branch, executes the forms, one copy shall be sent to the appropriate Regional Flight Surgeon for information purposes.

9. FORMS SUPPLY.

- a. FAA Forms 8500-2 (Stock No. 0052-049-1000) and FAA Form 8500-4.1 (Stock No. 0052-661-5000) may be requisitioned from the FAA Depot, AC-434, Aeronautical Center, Oklahoma City.
- b. FAA Forms 8500-3 and 8500-4 are authorized for reproduction in each region and at the Aeronautical Center.

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